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# National Emergency Disputes Under the Taft-Hartley Act, 1947-77



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## Preface

This report provides a summary of the work stoppages that have been of sufficient importance to bring into effect the national emergency procedures of the Labor Management Relations (Taft-Hartley) Act of 1947.

The report was prepared in the Division of Industrial Relations by Michael E. Klehm. The chronology of events in the bituminous coal industry dispute given in appendix B is based primarily on newspaper reports. The cooperation of the Federal Mediation and Conciliation Service in reviewing the chronology is gratefully acknowledged.

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## National Emergency Disputes Under the Taft-Hartley Act, 1947-77

Since enactment of the Labor-Management Relations (Taft-Hartley) Act in 1947, every President but one<sup>1</sup> has determined that a work stoppage was serious enough to require emergency action. During the 31 years since it came into effect<sup>2</sup>, the act has been used to settle 35 national emergency disputes. Over 2.3 million workers have been directly affected by these Presidential decisions.

Reflecting the disruptive labor-management conditions that prompted its passage, the act was used in seven disputes during the first year after its enactment. The use of these national emergency provisions has varied considerably over the life of the act. In 13 of the 31 years, no disputes had sufficient economic impact to warrant use of the legislation (table 1). At least one national emergency dispute occurred in each of the remaining years; in six of these years there was more than one. During 1971, use of the emergency provisions was considered necessary in five disputes, the most in a single year

since 1948. All of these disputes involved longshore unions—three in the stevedoring industry,<sup>3</sup> the remaining two in grain elevator operations. Although the number of all stoppages in the United States reached an all-time high in 1974 following the termination of wage-price controls, and seven strikes during 1972-76 involved 100,000 workers or more each, the emergency provisions were not deemed necessary at any time during this 5-year span. The bituminous coal industry dispute, which began December 6, 1977, ended this period of calm. (See appendix A for dates and details of the 35 national emergency disputes and appendix B for a chronology of the 1977 bituminous coal strike.)

### Boards of inquiry

The act requires the President to appoint a board of inquiry when, in his opinion, an actual or threatened strike is of sufficient severity to "imperil the national health or safety." (See appendix C.) Upon appointment, the board is required to investigate the issues in dispute, marshal relevant facts, and report to the President. The boards have been composed of three members each in all disputes except the 1948 maritime industry stoppage and the 1971 stevedoring and grain elevator strikes. A larger number of members was appointed in these cases to make it possible to hold hearings simultaneously on both coasts. In the maritime dispute, five members were chosen; four members were appointed in the five 1971 cases. To expedite the 1971 investigation, two members held hearings in San Francisco to obtain information on the Pacific Coast stoppages; the other two officials conducted a similar inquiry into the Atlantic and Gulf Coast situation and the problems concerning the Chicago grain elevators.

Each board has prepared a report except one in the telephone industry case in 1948 when a settlement was imminent. The time required by the boards to complete their investigation and submit an initial

Table 1. National emergency disputes by year, 1947-77

Year	Number of disputes <sup>1</sup>	Number of workers <sup>2</sup> (thousands)
1947 .....	-	-
1948 .....	7	476.0
1949 .....	1	337.0
1950 .....	-	-
1951 .....	1	40.0
1952 .....	1	1.6
1953 .....	1	30.0
1954 .....	2	4.5
1955 .....	-	-
1956 .....	1	60.0
1957 .....	1	1.5
1958 .....	-	-
1959 .....	2	571.0
1960 .....	-	-
1961 .....	1	2.7
1962 .....	4	83.8
1963 .....	1	-
1964 .....	1	53.0
1965 .....	-	-
1966 .....	3	17.8
1967 .....	1	2.4
1968 .....	1	50.0
1969 .....	-	-
1970 .....	-	-
1971 .....	5	68.7
1972-76 .....	-	-
1977 .....	1	170.0

<sup>1</sup>Beginning in year.

<sup>2</sup>Workers involved in strikes.

<sup>1</sup> President Ford did not invoke the act during his term in office.

<sup>2</sup> The act became effective June 23, 1947.

<sup>3</sup> One West Coast stoppage involved a longshore local of the International Association of Machinists and Aerospace Workers (IAM-AFL-CIO).

report has ranged from less than 1 day in the 1968 longshoremen's strike to 24 days in the 1948 meatpacking dispute. The 1971 report, dealing with five cases, was released 2 days after the President's Executive Order established the board of inquiry. In the most recent situation involving the bituminous coal industry, the President received the report 3 days after the board's appointment.

### Use of injunction

Upon receipt of the initial report, the President may direct the Attorney General to seek an 80-day injunction from a Federal district court to prevent or end the strike. During the 31 years of the life of the act, petitions for an 80-day injunction have been presented by the Attorney General in 31 of the 35 national emergency situations. In 6 cases the 80-day injunction was granted immediately, but in 25 situations the district court judge issued an initial temporary restraining order (TRO), usually of 10 days' duration. At the end of this period both parties were required to show cause why the TRO should not be made permanent for the 80-day period as prescribed by the Taft-Hartley Act. The full 80-day injunction was then granted in an additional 23 cases. The court rejected the Federal Government's arguments that the 1971 strike of 200 Chicago grain elevator employees and the 1977 strike of 170,000 workers in the bituminous coal industry "would imperil the national health or safety." In both cases the court refused to issue an 80-day injunction after the expiration of the TRO. Injunctions were not requested in the 1948 meatpacking dispute, despite a stoppage of almost 3 months, and in the three disputes where the workers remained on their jobs—the bituminous coal (1948), telephone (1948), and atomic energy (1954) disputes.

Work stoppages were effectively halted or prevented in all of the 29 cases where 80-day injunctions were issued except in the 1949-50 bituminous coal walkout. In that case the court ruled that the union had not ordered its members to continue the strike and contempt proceedings were quashed. Included among the 29 cases were: (1) The 1954 atomic energy walkout that had been halted voluntarily before the injunction was issued; (2) a 1962-63 aircraft-aerospace dispute that was also terminated prior to the issuance of an injunction; and (3) strike threats in atomic energy in 1948 and aircraft-aerospace in 1963. Of the 25 stoppages in effect before an 80-day injunction was issued (including the two in which a voluntary return to work occurred prior to the restraining order), some had continued for as long as 4 months. The four threatened strikes that were forestalled were in the maritime, longshore, atomic ener-

gy, and aerospace industries, but in two, stoppages occurred after the injunction had expired.<sup>4</sup>

In three strikes, no 80-day injunction was issued—the 1948 meatpacking strike, the 1971 Chicago grain elevator strike, and the 1977 bituminous coal dispute. The meatpacking industry stoppage was not considered sufficiently serious to warrant an injunction, although a board of inquiry appointed by the President did issue a report. In the Chicago grain elevator and bituminous coal strikes, the request for an 80-day injunction was denied by the district court.

Thus, strikes occurred at some stage of the procedure in 30 of the 35 national emergency disputes (table 2). These 30 stoppages directly affected almost 2 million workers and resulted in about 100 million days of idleness. Over 40 percent of the idleness was attributable to the 116-day steel strike in 1959-60 that involved somewhat more than one-half million workers.

### Followup

Section 209(B) of the Taft-Hartley Act requires the President, after an injunction has been issued, to reconvene the board. If the parties, assisted by the Federal Mediation and Conciliation Service, have

<sup>4</sup>Strikes occurred after the injunction terminated in the maritime and longshore stoppages of 1948.

**Table 2. Strikes and settlements in national emergency disputes, 1947-77**

Item	Number of disputes	Number of workers <sup>1</sup> (thousands)
Total disputes .....	35	2,314.8
Strikes—total .....	30	1,970.0
Before 80-day injunction .....	18	1,384.1
After 80-day injunction .....	22	73.0
Before and after 80-day injunction .....	7	259.7
No injunction issued .....	33	253.2
Settlements—total .....	35	2,314.8
Settlements without strike .....	45	344.8
Settlements after strike .....	29	1,800.0
Within 80-day injunction period .....	14	1,316.7
After 80-day injunction period .....	13	400.1
Without strike .....	4	67.4
After strike .....	29	332.7
No injunction issued .....	33	253.2

<sup>1</sup>The number of workers refers to those in the bargaining unit or to those directly involved in the strike.

<sup>2</sup>One stoppage involved 6 maritime unions and the International Longshoremen's and Warehousemen's Union on the Atlantic, Gulf, and Pacific Coasts and the Great Lakes. Settlements were reached for the Atlantic and Gulf Coasts and the Great Lakes during or immediately after the injunction period. The ILWU and several maritime unions struck on the Pacific Coast after the injunction had expired.

<sup>3</sup>An injunction was not requested in the 1948 meatpacking dispute; requests for an injunction in the 1971 Chicago grain elevator and the 1977 bituminous coal disputes were denied by the district court.

<sup>4</sup>Injunctions were not issued in 3 of the 5 cases.

not reached a settlement after 60 days, the board must report the current status of the negotiations and the employer's last offer to the President and the public. Final reports have been prepared by 20 boards.

Within 15 days, the National Labor Relations Board is required to conduct a secret ballot to determine whether the employees involved wish to accept or reject this offer. Last-offer votes have been held in 17 cases.<sup>5</sup> In 14, the employer's proposal was turned down. The balloting was not completed before the end of the voting period in one case; in a second situation the results were not certified because settlement was reached before the end of the voting period; and in a third case, the results were not announced. An unusual situation occurred in the 1966-67 Pacific Coast shipbuilding industry dispute. Under the terms of the settlement reached after the 80-day injunction, the parties agreed to a ballot on the employer's last offer, which was accepted by the workers.

Following the voting, the Attorney General is required to ask the district court to terminate the injunction. Finally, the statute orders the President to provide a "full and comprehensive" report of the proceedings to the Congress, with recommendations such as he may see fit to make. Presidential reports have been submitted for five disputes: Atomic energy (1948); bituminous coal (1948);<sup>6</sup> nonferrous metals (1951); and maritime (1961).

### Settlements

Five national emergency cases were settled without a strike. Eighteen cases involving walkouts were settled without resort to further stoppages—14 during the 80-day "cooling-off" period and the remainder after it had expired.

One-fourth of the cases were settled after the cooling-off period had terminated and after a strike. Of these nine stoppages, six occurred in the stevedoring industry in Atlantic and Gulf Coast ports. In the 1971 national emergency cases, these ports were able to agree to the terms of a new contract without a strike after the cooling-off period, although a strike reoccurred on the West Coast before the master agreement was signed. Three cases in which strikes occurred were settled without an injunction—the 1948 meatpacking case in which an injunction was not requested and the 1971 grain elevator and 1977 bituminous coal cases in which injunctions were not granted.

<sup>5</sup>Three of the final reports were issued after the agreement was reached. In a fourth, the 1953-54 stevedoring dispute, the board recommended that no "final offer" balloting be held.

<sup>6</sup>Two disputes were covered in a single report.

During the 31-year period, five of the Atlantic-Gulf Coast stevedoring settlements were reached only after the resumption of strikes that had been halted by injunctions. Twelve agreements and two wage reopenings were negotiated by the parties in this industry between 1947 and 1977; failure to reach agreement required the use of Taft-Hartley emergency machinery eight times.

### Issues in dispute

As expected, company and union representatives were negotiating new contracts in almost every instance when national emergency procedures have been used. General wage changes has been the most frequent issue in dispute (28 cases). In a number of these cases, wages in combination with other issues were reported to have caused an impasse. The Taft-Hartley Act has also been invoked in disagreements over the scope of the bargaining unit (as in the 1959 longshore and 1961 maritime disputes); job security, seniority, and severance pay (the April 1962 aircraft-aerospace dispute); and supplementary benefits and grievance procedures (the 1977 bituminous coal dispute). Other national emergency cases have concerned the establishment of a union shop, hours of work, and work-rule changes.

### Industries affected

Although the national emergency provisions are limited to strikes that affect an entire industry, or a substantial portion of one, 13 strikes in 8 industries have involved fewer than 10,000 workers each. The criteria for activating the national emergency proce-

Table 3. National emergency disputes by industry, 1947-77

Industry	Number of disputes	Number of strikes <sup>1</sup>	Vote on employer's final offer		
			Number	Accepted	Rejected
Total .....	35	30	217	0	14
Stevedoring .....	10	10	6	0	6
Aircraft-aerospace .....	5	4	22	0	1
Atomic energy .....	4	2	3	0	3
Bituminous coal mining .....	4	3	-	-	-
Maritime .....	3	3	23	0	1
Nonferrous smelting ..	2	2	1	0	1
Grain elevators .....	2	2	1	0	1
Meatpacking .....	1	1	-	-	-
Fabricated metals .....	1	1	-	-	-
Basic steel .....	1	1	1	0	1
Shipbuilding .....	1	1	-	-	-
Telephone .....	1	0	-	-	-

<sup>1</sup>Stoppages halted by an injunction and resumed after the injunction expired are counted as 1 strike.

<sup>2</sup>In one aircraft-aerospace case a vote was held, but results were not officially announced. In one maritime election the ballot was boycotted by one union and not completed by the other unions before the injunction was dissolved. In a second maritime election, ballots were mailed, but the results were not certified because settlement was reached before the end of the voting period.



dures of the act were intended to limit their use, and have in fact done so. These standards limit the application of the emergency machinery to a relatively small proportion of the industries and establishments in the economy. Table 3 lists the industries in which the President has decided that an actual or threatened strike would imperil the national health or safety. The courts have upheld these decisions in all but two cases. Table 3 also provides the number of

emergency disputes that have occurred in each industry.

About two-thirds of all emergency disputes since 1947 have occurred in four industries—stevedoring (10), aircraft-aerospace (5), bituminous coal (4), and atomic energy (4). The number of workers involved in the four bituminous coal industry strikes accounted for over 40 percent of the nearly 2 million workers involved in national emergency stoppages.

For a detailed chronology of major developments in the first 29 national emergency disputes, see *National Emergency Disputes: Labor Management Relations (Taft-Hartley) Act, 1947-68*, Bulletin 1633 (Bureau of Labor Statistics, 1969).



# Appendix A. Highlights of National Emergency Disputes, 1947-77

Industry	Date of dispute <sup>1</sup>	Union(s) involved	Number of workers involved <sup>2</sup> (thousands)	Approximate calendar duration (days)	Strike status		Settlement reached				Last-offer ballot
					In progress before injunction	Halted by injunction	Without injunction	With injunction			
								Within 60-day cooling-off period	After 60-day cooling-off period		
								Without strike	After strike		
Bituminous coal mining	Mar. 15 - Apr. 26, 1948	UMW (Ind.)	326.0	41	x	x	-	x	-	-	None
	June 19 - 24, 1948	UMW (Ind.)		No strike			x	-	-	-	None
	Sept. 19, 1949 - Mar. 5, 1950	UMW (Ind.)	337.0	116	x	( <sup>3</sup> )	-	x	-	-	None
	Dec. 6, 1977 - Mar. 25, 1978	UMW (Ind.)	170.0	110	No injunction		x	-	-	-	None
Meatpacking	Mar. 15 - June 5, 1948	UPWA (CIO)	83.0	82	No injunction		x	-	-	-	None
Atomic energy	Mar. 5 - June 15, 1948	Atomic Trades and Labor Council (AFL)		No strike			-	-	x	-	Rejected
	July 6 - Nov. 7, 1954	United Gas Coke and Chemical Workers (CIO)	4.5	4	x	x	-	-	x	-	Rejected
	July 6 - Aug. 18, 1954	Atomic Trades and Labor Council (AFL)		No strike			x	-	-	-	None
	May 10 - Aug. 5, 1957	OCAW (AFL-CIO)	1.5	6	x	x	-	-	x	-	Rejected
Basic steel	July 15, 1959 - Jan. 28, 1960	USA (AFL-CIO)	519.0	116	x	x	-	<sup>5</sup> x	x	-	<sup>6</sup> Rejected
Nonferrous smelting	Aug. 27 - Nov. 5, 1951	International Union of Mine, Mill and Smelter Workers (Ind.)	40.0	12	x	x	-	x	-	-	<sup>7</sup> Rejected
Fabricated metal products	Sept. 30, 1966 - Feb. 3, 1967	USA (AFL-CIO)	2.0	83	x	x	-	x	-	-	None
	Aug. 29, 1952 - Feb. 20, 1953	USA (CIO)	1.6	106	x	x	-	x	-	-	None
	Apr. 2 - Aug. 12, 1962	IAM (AFL-CIO)	8.8	76	x	x	-	x	-	-	None
Aircraft-aerospace	Nov. 26, 1962 - Jan. 27, 1963	IAM (AFL-CIO)	20.0	2	<sup>8</sup> x	<sup>9</sup> x	-	x	-	-	None
	Jan. 23 - May 10, 1963	IAM (AFL-CIO)		No strike			-	-	x	-	( <sup>10</sup> )
	Oct. 17 - Dec. 11, 1966	UAW and IAM (AFL-CIO)	6.1	2	x	x	-	x	-	-	None
	Apr. 15 - July 3, 1967	UAW (AFL-CIO)	2.4	1	x	x	-	x	-	-	Rejected
Shipbuilding	Nov. 4, 1966 - July 18, 1967	IBEW (AFL-CIO)	9.7	130	x	x	-	-	<sup>10</sup> x	-	( <sup>10</sup> )
Maritime	June 3 - Nov. 25, 1948	Maritime unions	<sup>11</sup> 28.0	95	-	-	-	( <sup>12</sup> )	( <sup>13</sup> )	<sup>14</sup> x	( <sup>15</sup> )
	June 16 - Sept. 21, 1961 <sup>16</sup>	Maritime unions	2.7	32	x	<sup>17</sup> x	-	<sup>16</sup> x	-	( <sup>18</sup> )	<sup>19</sup> Rejected
	Mar. 16 - July 16, 1962 <sup>20</sup>	SIU (3 subdivisions) (AFL-CIO)	5.0	27	x	x	-	x	-	-	( <sup>21</sup> )
Grain elevators	July 1, 1971 - Feb. 18, 1972	ILWU (Ind.)	2	139	x	x	-	-	-	x	Rejected
	Sept. 1, 1971 - Feb. 20, 1972	ILA (AFL-CIO)	2	173	<sup>22</sup> No injunction		-	-	-	-	None
Stevedoring	Aug. 17 - Nov. 28, 1948	ILA (AFL)	45.0	18	-	-	-	-	-	x	Rejected
	Oct. 1, 1953 - Dec. 31, 1954	ILA (Ind.) ILA (AFL)	30.0	34	x	x	-	-	-	x	None
	Nov. 16, 1956 - Feb. 22, 1957	ILA (Ind.)	60.0	20	x	x	-	-	-	x	Rejected
	Oct. 1 - Dec. 26, 1959	ILA (AFL-CIO)	52.0	8	x	x	-	x	-	-	<sup>23</sup> Rejected
	Oct. 1, 1962 - Jan. 26, 1963	ILA (AFL-CIO)	50.0	39	x	x	-	-	-	x	Rejected
	Sept. 30, 1964 - Mar. 13, 1965	ILA (AFL-CIO)	53.0	62	x	x	-	-	-	x	None
	Sept. 30, 1968 - Feb. 25, 1969	ILA (AFL-CIO)	<sup>24</sup> 40.0	70	x	x	-	-	-	x	Rejected
	July 1, 1971 - Feb. 18, 1972	ILWU (Ind.)	16.5	159	x	x	-	-	-	x	Rejected
	July 1 - Oct. 19, 1971	IAM (AFL-CIO)	1	100	x	x	-	x	-	-	None
Telephone	Oct. 1, 1971 - Mar. 1 <sup>25</sup> , 1972	ILA (AFL-CIO)	51.7	57	x	x	-	-	x	-	None
	May 18 - June 4, 1948	American Union of Telephone Workers (CIO)		No strike			x	-	-	-	-

<sup>1</sup> Defined as from beginning of strike or appointment of board of inquiry to date of settlement.

<sup>2</sup> Refers to those in bargaining unit or to those directly involved in strike.

<sup>3</sup> Injunction issued. In contempt proceedings, the union was found not guilty of ordering continuation of strike.

<sup>4</sup> Issuance of a temporary restraining order (TRO) on Mar. 9, 1978, was ignored by the miners and the strike continued. On Mar. 17, the court refused to issue an extension of the TRO until after the Mar. 24th vote by the rank and file because the evidence presented by the Federal Government failed to demonstrate the strike would endanger the national health or safety.

<sup>5</sup> One large and a number of minor producers reached agreement after injunction was dissolved.

<sup>6</sup> Rejected by employees of 4 small companies.

<sup>7</sup> One major producer settled before the injunction was issued, and the other major producers settled within the injunction period. The last-offer ballot was held in plants of 8 companies.

<sup>8</sup> Strike halted, on request of mediators, before injunction was issued.

<sup>9</sup> NLRB election held, but results not officially announced.

<sup>10</sup> Some issues were settled before and during the injunction period. Parties agreed to (1) submit unresolved issues to board of inquiry, (2) extend no-strike period beyond injunction period, and (3) request NLRB supervised last-offer before reactivating strike. Settlement, reached after injunction period without strike, ratified in NLRB ballot.

<sup>11</sup> Dispute involved the ILWU on the Pacific Coast and 6 maritime unions on the

Atlantic, Gulf, and Pacific Coast and the Great Lakes. A strike occurred only on the Pacific Coast after the injunction, was dissolved.

<sup>12</sup> On the Atlantic and Gulf Coasts.

<sup>13</sup> On the Great Lakes after the injunction was dissolved.

<sup>14</sup> On the Pacific Coast.

<sup>15</sup> Ballot was boycotted by the ILWU and not completed for off-shore union before the injunction was dissolved.

<sup>16</sup> Involved 7 maritime unions on the Atlantic, Gulf, and Pacific Coasts.

<sup>17</sup> Settlements with a number of the unions were concluded before the injunction was issued.

<sup>18</sup> Six of the 7 unions had settled before the expiration of the injunction period; 1, on the Pacific Coast, settled later after a strike.

<sup>19</sup> By 1 union.

<sup>20</sup> Involved 3 divisions of 1 union on the Pacific Coast and Hawaii.

<sup>21</sup> Ballot mailed but results not certified because settlement was reached before end of voting period.

<sup>22</sup> Issuance of a 10-day temporary restraining order on Oct. 6, 1971, preceded the refusal to issue an 80-day Taft-Hartley injunction because the evidence presented by the Federal Government failed to demonstrate the strike would endanger the national health or safety. The strike resumed after the restraining order expired.

<sup>23</sup> Last offer rejected in West Gulf Coast ports.

<sup>24</sup> Most ports had settled by March 1969. Still on strike at this time were Boston, Mass., Jacksonville, Fla., Baton Rouge, La., and West Gulf Coast ports.

## **Appendix B. Bituminous Coal Industry Dispute, 1977-78**

### **United Mine Workers of America (Ind.) v. Bituminous Coal Operators Association**

- August 18, 1977 Wildcat strikes over cutbacks in health and pension benefits in the bituminous coal industry during the summer prompted West Virginia governor Jay Rockefeller to ask the Bituminous Coal Operators Association (BCOA) and the United Mine Workers of America (UMW-Ind.) to begin contract renegotiations on August 22. Bargaining to reach a new agreement to replace the contract due to expire on December 6 had been scheduled to begin on October 6. The BCOA, established in 1950, comprises 130 coal companies in 14 States, primarily in the East and Midwest. Approximately 140,000 members of the UMW are employed by BCOA member companies; they mine about one-half of all the coal produced in the United States.
- August 19 In response to Governor Rockefeller's request, BCOA President Joseph Brennan stated that "a hurried start to negotiations on a single issue (health and pension funding) would not be helpful either for the short-term wildcat strike situation or the longer-term need to achieve labor stability in the coal fields."
- September 16 The UMW, BCOA, and the Trustees of the UMW Health and Retirement Funds announced agreement on actions designed to avoid further reductions in health and pension benefits covered by the funds during the period remaining in the contract.
- October 6 Formal negotiations began in Washington, D.C., between the UMW, led by President Arnold Miller, and the BCOA, headed by Brennan. Major union demands included a wage increase from \$64 a day to \$100; added vacation time; the right to strike over local grievances; and restoration and guarantee of health benefits that were cut back due to the wildcat strikes during the summer. Counterproposals by the BCOA emphasized the need to promote labor stability and increase productivity. The companies wanted a provision that would fine those engaged in wildcat walkouts. Money from the cash penalty would be used to replenish the health and pension benefit programs which are funded by BCOA contributions based on coal mined and hours worked. In addition, the BCOA demanded elimination of the cost-of-living allowance (COLA), a provision the UMW had negotiated in 1974.
- October 27 UMW President Miller broke off talks with the BCOA because management had refused to bargain on the nearly bankrupt, jointly administered health benefits program. The BCOA announced that, in addition to the benefits plan, there were equally important issues concerning wildcat strikes, absenteeism, and declining productivity and that "no meaningful purpose will be served by attempts of one side to separate or isolate a given problem."

November 10	Formal negotiations resumed.	December 6	A total of approximately 170,000 workers were on strike in 17 States as the contract expired. Included in this total were about 10,000 UMW mine construction workers and a maximum of 20,000 nonunion miners who were idled by UMW picketing at their mines. Major issues still unsettled included the BCOA's insistence on penalties for wildcat strikers and the union's demands for a right-to-strike clause that would authorize single-mine walkouts over local grievances and for restoration of the nearly bankrupt health and retirement funds. Medical benefits for miners were terminated this day and the BCOA reported that the pension fund would be bankrupt before January. The income of both funds is tied to coal output.
November 25	UMW President Miller broke off talks again because the BCOA had refused to discuss the financial problems of the health and pension funds and other key economic matters "until the so-called wildcat issue is resolved."		
November 27	The Federal Mediation and Conciliation Service (FMCS), after monitoring the talks informally for several months, officially entered the stalled negotiations. William P. Hobgood, Director of the Office of Mediation Services (FMCS), announced that talks would resume on November 29.		
November 29	Federal mediators, led by Wayne Horvitz, Director of the FMCS, with the assistance of Hobgood and Robert Donahoo, met separately with union and management negotiators in Washington, D.C.	December 11	
December 1	In an effort to resume face-to-face negotiations, both parties agreed to FMCS's proposal to reduce the size of their bargaining teams.	December 12	Part of the union negotiating team, led by UMW Vice-President-elect Sam Church, walked out of the negotiating room, charging that the coal operators were stalling the talks.  Miller returned to the negotiations following a 3-day absence. The negotiators met for less than 2 hours and recessed to reassess their positions, subject to call by the FMCS. The parties reportedly agreed to a union proposal for the dismissal of any miner engaged in a wildcat strike who pickets a mine other than his own. Such picketing had been nominally forbidden for years in UMW contracts but neither the union nor the coal industry had been able to curb the practice. In return, the industry was said to be prepared to moderate its insistence on some of the wage-docking penalties it had proposed to punish wildcat strikers. Previously, the BCOA had proposed docking 40 percent of the pay of miners who had engaged in unauthorized strikes during the prior 2-week pay period. About \$22 per lost day would be
December 2	Face-to-face negotiations resumed with four-man bargaining teams and without President Miller.		
December 3	Negotiators met again for 2 hours and then recessed for the day. Several mines in West Virginia, Ohio, and Pennsylvania were closed as more than 2,500 UMW members left their jobs early in apparent anticipation of a walkout.		
December 4	Miller rejoined the union negotiating team.		
December 5	Labor and management representatives met again and then recessed until December 8, without reporting any progress. The number of miners on strike increased to about 5,000 on the day before the contract expiration date.		

	used to reimburse the UMW health and pension funds, which are funded by BCOA contributions based on coal mined and hours worked; the employer would retain the difference. The new proposal would only require that miners reimburse the UMW health fund for income lost due to a wildcat strike. The industry also agreed to a uniform absenteeism program to replace the system in which these policies were decided on a company-by-company basis.		checks would be mailed in February.
December 13	After a labor-management subcommittee met late in the day, progress was reported on the proposed labor stability package. Union negotiators agreed to drop the UMW demand for a limited right to strike at the local level in return for the industry's agreement to drop its demand for an explicit no-strike clause in the contract. Talks continued at the subcommittee level.	December 21	Bargainers for the UMW rejected the agreed-upon health and retirement funds reimbursement plan after local union leaders informed them that the rank and file would disapprove it. Talks recessed until December 27 after a Christmas break at which time the parties would seek other ways to curb unauthorized walk-outs.
December 19	Difficulties arose over the precise wording of the labor stability plan that would require striking miners to reimburse the UMW health and retirement funds for whatever income was lost as a result of an unauthorized work stoppage. The negotiators were unable to describe the pay-back scheme in a way that would not be interpreted by the miners as a penalty or fine. At the urging of Federal mediators, the parties kept the talks going by turning their attention to other issues.	December 30	Talks broke down when UMW negotiators presented a proposal for restoration and guarantee of health and retirement benefits. BCOA representatives refused to consider it until agreement was reached on a labor stability plan. The industry negotiators walked out of the session, with no date set for resumption of the talks, claiming that the union had reneged on a proposed plan for curbing unauthorized strikes and absenteeism.
December 20	Trustees of the UMW Health and Retirement Funds announced that, despite the termination of income to the funds due to the strike, retirees would receive January pension checks because November coal production, and the funds' income, had exceeded the projected total. However, with almost no coal output in December, no pension	January 6, 1978	In Knoxville, Tennessee, Federal Judge Robert Taylor refused to ban picketing of nonunion mines by roving union pickets that had closed mines in Kentucky, Tennessee, and Pennsylvania.
		January 9	Wayne Horvitz, the chief Federal mediator, summoned leaders of both parties to his office to discuss the resumption of negotiations.
		January 12	Union negotiators reportedly agreed to resume discussions of the wildcat-payback scheme if company negotiators would consider a renewed UMW demand for a limited right to strike at the local level. Subcommittees were formed to deal with specific issues.
		January 22	FMCS summoned key industry negotiators to a special meeting to discuss various aspects of the talks. The parties were reportedly very near settlement on such

	noneconomic issues as safety, the revision of arbitration and grievance procedures, seniority classifications, and training. However, much work still remained on the labor stability package.		
January 24	Negotiations again broke off when, according to the operators, union representatives rejected a wage and benefits offer and then advanced a counterproposal of their own that had already been "bargained through" and discarded. FMCS mediators met separately with each side in an attempt to set new meeting dates, but none were announced.	February 4	Negotiations continued without the presence of Miller or Brennan.
		February 6	The parties agreed on a tentative contract.
		February 7	An outline of the proposal was presented to the UMW Bargaining Council. The Council voted 32 to 7 to defer its decision until it could study the full text of the agreement.
January 28	The companies offered an agreement which guaranteed all health benefits and restored the pension funds. The union rejected it because of continued differences over the labor stability section.	February 9	The presidents of 53 union locals in Ohio and West Virginia met in Belaire, Ohio, to read the summary of the contract. The leaders voted 52 to 1 to reject the proposed agreement and ordered Miller to "renegotiate the whole contract."
January 29	The BCOA announced that "negotiations...have recessed indefinitely."		
February 1	Negotiations resumed in Washington, D.C.	February 10	More than 200 UMW members demonstrated at the union's headquarters in Washington, D.C., to protest the tentative contract. The UMW Bargaining Council, meeting inside, was unable to vote on the proposed pact because Miller refused to attend while the miners protested outside. In an unofficial vote, the Council rejected the tentative contract, 33 to 3.
February 2	Wayne Horvitz, FMCS, reported that the issues had "narrowed significantly" in 14 hours of negotiations. Miller summoned the UMW's 39-member Bargaining Council, made up largely of district presidents, to Washington. The Council was to vote on any tentative agreement and, if approved, the UMW rank and file was to ratify it. Approval by both groups is required before the contract can go into effect. The action by Miller suggested to some that the two sides were near agreement.	February 12	The Bargaining Council formally rejected the proposed contract, 30 to 6, with 3 abstentions. Reportedly, the Council objected to money penalties for wildcat strikers and absentees of \$20 per day for up to 10 days, deductibles for health care of up to \$700 per year per family that previously was free, a wage incentive proposal, and continuation
February 3	President Carter requested a 1-day postponement of the morning's scheduled meeting of the union's Bargaining Council in order to allow more time to settle a few remaining differences		



- of the two-tiered pension program that provided benefits to pre-1976 retirees of less than half the benefits of later pensioners. The Council requested that the two parties resume negotiations as soon as possible.
- February 13 Secretary of Labor Ray Marshall summoned leaders of the UMW and the BCOA to separate meetings in his office to discuss the resumption of the talks.
- February 14 President Carter urged labor and management representatives to start negotiations at the White House.
- February 15 After the 5-member BCOA bargaining team initially refused President Carter's request, negotiations resumed at the White House under the direction of the Secretary of Labor. Three members of the union Bargaining Council who had voted against the tentative contract were added to the 7-member negotiating team.
- February 16 The talks were moved to the Labor Department where they continued until 1 o'clock the next morning. The Administration increased its pressure on the negotiators by setting an informal 2-day "deadline" for reaching an agreement, after which it would take some action. The most likely form of intervention would be invocation of the Taft-Hartley Act, according to sources close to the Administration.
- February 17 Secretary Marshall and Wayne Horvitz met from 2:30 a.m. to 5:00 a.m. in the White House with executives of the United States Steel Corporation and the Consolidation Coal Company, considered by some to be the hard-line faction within the BCOA. At 9:00 a.m., the Secretary met in his office with UMW representatives, the union negotiating team, and the UMW Bargaining Council to inform them of the industry's overnight concessions.
- February 18 The union Bargaining Council rejected the latest agreement 37 to 0. The Administration announced that it was considering three alternatives: Federal seizure of the mines; binding arbitration; and invocation of the Taft-Hartley Act.
- February 19 With further negotiations suspended indefinitely, Secretary Marshall, Department of Energy Secretary James Schlesinger, and other key Administration officials met at the White House "for a fresh look at ways to end the walkout."
- February 20 The UMW signed a separate tentative contract with the Pittsburg and Midway Coal Company, which is not a member of the BCOA. Unlike the BCOA-UMW proposal, this pact would penalize only the leaders of wildcat strikes, not the participants.
- February 21 The BCOA refused the UMW's request to accept the separate Pittsburg and Midway-UMW agreement as a model for the industrywide settlement. The BCOA then called upon the UMW to join with it "in voluntary binding arbitration as the fairest approach to settling the current coal strike." Under the proposal the miners would return to work while a 3-member arbitration panel convened. The new contract would apply retroactively to the date the mines opened.
- February 22 The UMW Bargaining Council rejected the BCOA's arbitration proposal and voted 25 to 13 to submit the terms of the Pittsburg and Midway agreement to the coal industry as its "bottom-line offer." After the BCOA denied this request, Secretary Marshall summoned the two sides to the Labor Department for a joint

	conference, the first face-to-face meeting since February 16. However, industry negotiators refused to participate because, they said, the Labor Department had made it clear to the BCOA that the UMW was standing "inflexibly" on the Pittsburgh and Midway terms.	March 1	District meetings were held by union officials to explain the tentative contract to officers of the locals.
		March 2	The rank and file of the UMW gathered to hear their officers explain the proposed pact.
February 24	President Carter, speaking on national television, announced that a tentative contract had been negotiated by the parties. If there had been no agreement, the President reportedly was about to invoke the Taft-Hartley Act a few hours later. The union's Bargaining Council was not consulted during these last-minute negotiations. However, Miller said the Council had approved the formula agreed upon in its 25-to-13 vote of February 22. The tentative accord was reported to provide a \$2.40-per-hour or a 37-percent wage and benefit increase over the 3-year life of the pact; discontinuance of the cost-of-living adjustment (COLA); guaranteed health and retirement benefits with medical deductibles of up to \$700 per family each year; continuation of the two-tiered pension system; and cash penalties for leaders of wildcat strikes only. In addition, the President announced he would appoint a commission to study health, safety, and productivity in the industry.	March 3, 4, 5	UMW miners, during 3 days of voting, turned down the latest contract proposal by more than a 2-to-1 margin. Reportedly, the miners objected to contract terms which would require dismissal of miners who instigate wildcat strikes, continue the two-tiered pension benefit program, and replace the once-free jointly administered medical care system with a privately insured program that included up to \$700 per year deductibles per family.
		March 6	President Carter invoked the "national emergency" provisions of the Taft-Hartley Act and appointed a 3-member board of inquiry to investigate the dispute and report to him "as expeditiously as possible." The members of the panel were John N. Gentry of Washington, D.C., arbitrator and a former Assistant Secretary of Labor, chairman; Eva Robins of New York, arbitrator; and Carl A. Warns, Jr., of Louisville, Kentucky, professor of labor and collective bargaining at the University of Louisville.
February 25	Union leaders began a 10-day, \$40,000 media campaign to win the miner's approval of the proposed contract.	March 7	The United Automobile Workers (UAW-Ind.) contributed \$2 million to a relief fund to help the families of striking coal miners and pensioners.
February 26	The tentative contract between the UMW and the Pittsburgh and Midway Coal Company was rejected by a more than 2-to-1 margin by the rank and file. Reportedly, the lack of a guarantee on worker benefit payments, a provision included in the latest BCOA proposal, was the major reason for the rejection.	March 8	After meeting in executive session for 2 days, the board conducted a hearing in Washington, D.C. Over 50 witnesses, including representatives from the BCOA, the UMW, and over 20 districts and locals of the UMW, presented testimony.
		March 9	After the board presented its report to the President, the Ad-



ministration obtained a temporary restraining order requiring the miners to return to work by Monday, March 13, at 4:30 p.m. The two negotiating parties agreed, as required under the court's order, to resume bargaining at 10:00 a.m. the next day.

A group seeking to oust Arnold Miller as president of the UMW, "Miners for Recall," announced that it had petitions with signatures from more than the 5 percent of the union's membership required for recall. The group charged that Miller had been an inept leader and had misled the miners about cuts in health benefits. Miller replied that the petitions would be checked carefully for accuracy, a process which could take several months.

March 10

Negotiations resumed but Federal mediators did not participate. Union and management officials reportedly were both anxious to resume face-to-face negotiations because the Federal Government had declared the talks to be at an "impasse." Under such conditions, either side could legally break away from the 30-year tradition of national negotiations and bargain on an individual local union-company basis. Some officials close to the negotiations stated that such a change in the bargaining pattern could ruin the already delicate collective bargaining structure in the industry and most likely result in many more labor-management disputes in the future.

March 12

Talks recessed after 3 days of negotiations to allow the UMW some time to assess the industry's latest contract proposal. The new proposal would sharply reduce the size of the annual health insurance deductibles and narrow the gap between the two pension programs. The tentative contract would also soften language that would have permitted

management to discharge leaders of unauthorized strikes. In return, an incentive production plan would be established, contingent upon approval by each union.

March 13

According to the BCOA, "fewer than 100 striking miners complied with the back-to-work order" which was effective this day. Few miners returned to work at any time during the temporary restraining order's duration.

March 14

Face-to-face negotiations resumed and another tentative contract was announced.

March 15

The UMW Bargaining Council approved the proposed pact by a 22-to-17 vote, clearing the way for its submission to the rank and file. No media campaign was planned for this tentative contract because most people felt the last campaign was counterproductive. Industry concessions included: Deletion of the labor-stability clause that would empower management to discharge strike leaders; reduction of the miners' health insurance deductibles from up to \$700 per family to a maximum of \$200 annually; and free hospital care. Two important remaining provisions would switch the 1974 jointly administered medical insurance program to private plans provided by individual producers and would establish an incentive production plan, provided the UMW locals agreed. All of the miners were scheduled to vote on a single day this time—Friday, March 24.

March 17

U.S. District Court Judge Aubrey Robinson refused to grant a request by the Administration to extend the temporary restraining order, which expired at 6:00 p.m. The Justice Department had sought to extend the temporary injunction until March 28 on

the grounds that an extension would be less disruptive to the contract ratification process than a full scale, 80-day injunction. Although nearly all of the 170,000 striking miners had ignored the restraining order issued March 9, the Federal Government had made no attempt to enforce it with contempt-of-court citations. Production of nonunion coal had increased significantly since the restraining order—banning any form of interference with the mining or transportation of coal—was issued. Judge Robinson ruled that evidence submitted so far by the Federal Government did not prove that a national emergency existed and scheduled a hearing for March 28 to hear arguments on a full 80-day injunction.

March 19 Meetings were held in each of the UMW's districts to explain the terms of the latest contract proposal to local union officials.

March 20 Local union officials distributed copies of the tentative pact and explained its provisions to the rank and file in meetings at local union halls.

March 23 On the day before the scheduled vote, rumors spread that other unions' members had contributed several million dollars to a special UMW relief fund for the strikers and union pensioners but only a negligible amount of this had reached the intended recipients. Some miners believed that President Miller was holding back distribution of the monies in order to sway the vote in favor of ratification. Willard A. Esselstyn, the UMW secretary-treasurer, categorically denied these charges and reported the relief fund's total to be \$2.4 million. Other union spokesmen, adding up the totals in announcements made during the last week by various donors, said the figure was \$4.5 million (UAW—\$2 million; United Steelworkers of

America (AFL-CIO)—\$1 million; Communications Workers of America (AFL-CIO)—\$1 million; and smaller contributions by other labor groups totaling \$500,000).

March 24 The rank and file of the UMW ratified the tentative contract, 57 to 43 percent. Major provisions of the pact included: Wage increases of \$1 per hour in the first year and 70 cents per hour in each of the 2 remaining years of the 3-year contract; discontinuance of the COLA; improved pensions; up to \$200 deductibles per family each year for health insurance; free hospital care; and a wage incentive provision subject to the approval of each local union.

March 25 UMW President Miller signed the 3-year agreement, officially ending the 110-day strike as of 12:01 a.m. Monday, March 27.

March 27 UMW mine construction workers, who had gone on strike March 25 because they had not yet settled on a contract with the Association of Bituminous Contractors (ABC), placed pickets at some mines and prevented about 18,000 miners from returning to work. The mine construction workers had been honoring the miners' picket lines since their strike began December 6. Members of the UMW have traditionally refused to cross picket lines. A tentative contract with terms similar to those of the recently ratified miner's pact was reached late in the day.

March 28 Following the announcement of a tentative contract, picketing at the mines was reduced but mines were still reported closed in Illinois, Indiana, and western Kentucky.

March 29 The UMW Bargaining Council unanimously approved the UMW-ABC contract and Tuesday, April 4, was set for voting

by the rank and file. Continued picketing by some of the 10,000 mine construction workers still prevented resumption of full-scale coal production.

March 30

At the urging of union leaders, mine construction workers in Illinois abandoned most picketing, allowing many miners to return to work for the first time since December 6. However, pickets kept about 9,000 West Virginian miners away from the job.

March 31

Picketing resumed at mines in Illinois, forcing about two-thirds of the State's 15,000 UMW min-

ers and mine construction workers off the job again after a 1-day return. However, no picketing activity was reported in most coal States, including West Virginia, where the local union leaders had urged the pickets to disband.

April 3

Virtually all of the 18,000 UMW miners who had been sporadically honoring the mine construction worker picket lines had returned to work.

April 4

The mine construction workers ratified the agreement, 63 to 37 percent.

## **Appendix C. Labor Management Relations Act, 1947, as Amended by Public Law 86-257, 1959**

### **National Emergencies**

Sec. 206. Whenever in the opinion of the President of the United States, a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public.

Sec. 207. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

(b) Members of a board of inquiry shall receive compensation at the rate of \$50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

Sec. 208. (a) Upon receiving a report from a board of inquiry, the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof, and

if the court finds that such threatened or actual strike or lockout—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 29, secs. 346 and 347).

Sec. 209. (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a 60-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement and shall include a statement by each party of its position and a statement of the employer's "last offer" of settlement. The President shall make such

report available to the public. The National Labor Relations Board, within the succeeding 15 days, shall take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within 5 days thereafter.

Sec. 210. Upon the certification of the results of such ballot or upon a settlement being reached,

whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the ballot taken by the National Labor Relations Board, together with such recommendations as he may see fit to make for consideration and appropriate action.

## **Appendix D. Union Abbreviations and Current Names**

<b>IAM</b>	<b>International Association of Machinists and Aerospace Workers (AFL—CIO)</b>	<b>SIU</b>	<b>Seafarers' International Union of North America (AFL—CIO).</b>
<b>IBEW</b>	<b>International Brotherhood of Electrical Workers (AFL—CIO).</b>	<b>UAW</b>	<b>International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (Ind.).</b>
<b>ILA</b>	<b>International Longshoremen's Association (AFL—CIO).</b>	<b>UMW</b>	<b>United Mine Workers of America (Ind.).</b>
<b>ILWU</b>	<b>International Longshoremen's and Warehousemen's Union (Ind.).</b>	<b>UPW</b>	<b>United Packinghouse, Food and Allied Workers (CIO). Merged—now the Amalgamated Meat Cutters and Butcher Workmen of North America (AFL—CIO).</b>
<b>OCAW</b>	<b>Oil, Chemical and Atomic Workers International Union (AFL—CIO).</b>	<b>USA</b>	<b>United Steelworkers of America (AFL—CIO).</b>



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